




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 30 2006

OFFICE OF
WATER

MEMORANDUM

Subject: Guidance on Reporting Arsenic Exemptions to SDWIS/FED during CY 2006

From: 
Stephen F. Heare, Director
Drinking Water Protection Division

To: Regional Drinking Water Branch Chiefs

Attached for your use is the final "Guidance on Reporting Arsenic Exemptions to SDWIS/FED during CY 2006."

This document supplements APPENDIX H. *State Reporting Guidance for the Arsenic Rule of the Implementation Guidance for the Arsenic Rule* (EPA 816-K-02-018). It provides guidance for primacy agencies on reporting state- and EPA-issued exemptions to SDWIS/FED during CY 2006. Please note the deadline of April 30th for reporting exemptions granted during 2005.

The existing reporting mechanisms do not allow exemptions to be reported, so this guidance establishes a simple approach using existing data fields and permitted values. This is a short term reporting solution as the forthcoming SDWIS/State web release will include a separate set of records to report both variances and exemptions for all pertinent regulations.

If you have any questions, please direct them to Jennifer Moller (202-564-3891) for arsenic implementation and Abe Siegel (202-564-4637) for SDWIS/FED.

Attachment

cc: Regional Arsenic Workgroup
Jim Taft, Association of State Drinking Water Administrators

Guidance on Reporting Arsenic Exemptions to SDWIS/FED during CY 2006

For EPA to characterize how primacy agencies are addressing water systems that exceed the revised arsenic MCL, the Agency needs to identify which water systems have approved exemptions, as well as the time frame for which the exemptions apply. This document supplements APPENDIX H. State Reporting Guidance for the Arsenic Rule of the *Implementation Guidance for the Arsenic Rule* (EPA-816-K-02-018).

It provides guidance for primacy agencies on reporting state- and EPA-issued exemptions to SDWIS/FED during CY 2006. The existing reporting mechanisms do not meet this need, so this guidance establishes a simple approach using existing data fields and permitted values.

This is a short term reporting solution as the forthcoming SDWIS/State web release will include a separate set of records to report both variances and exemptions for all pertinent regulations. Arsenic exemptions granted prior to and during CY 2006 should be reported using this methodology. Future guidance may be developed to instruct primacy agencies on extracting this data from EPA to store in the new release of SDWIS/State.

This approach, as described in Section I below, reports exemptions granted as an enforcement action. Normally, enforcement actions are reported in response to a violation. Because water systems operating under an exemption are considered in compliance, a violation is not reported. Primacy agencies should not attempt to link these actions to violations, as this may lead to the enforcement not being accepted into the data system. All the examples below illustrate the eXtensible Markup Language (XML) needed to enter the data. SDWIS/State users should enter the transactions using Enforcement Actions screens if that is what's used to normally enter enforcements. Otherwise, these transactions must be extracted from Primacy Agency data systems and entered into Actions XML documents along with other enforcement actions.

I. Instructions for reporting an exemption to SDWIS/FED

Using the Enforcement Action Object, the PWS ID, Enforcement ID, Enforcement Code and Comment fields should be reported.

PUBLIC WATER SYSTEM ID NUMBER

The 9 character field identifying the water system for which the exemption applies.

ENFORCEMENT ID NUMBER

A 20 character alphanumeric value that uniquely identifies the enforcement action for the water system (must only be unique within the water system ID number).

ENFORCEMENT DATE

This is the beginning date of the exemption. The revised arsenic MCL became enforceable on January 23, 2006. For exemptions approved in CY 2005 and prior to January 23, 2006, this date should be entered. For exemptions approved in CY 2006, the effective date stated in the exemption should be entered. However, this date must be less than or equal to the current date. Therefore, future begin dates cannot be reported.

ENFORCEMENT CODE

The value of SOY (letters S, O and Y) represents the primacy agency (state) "Variance or Exemption Issue" value. An EPA-issued exemption would have a value of EOY.

COMMENT

In the comments field, identify the exemption end date in YYYYMMDD format, followed by a space, then the 4 digit contaminant code for arsenic "1005". Exemptions should end on January 22 of 2009, 2011, 2013 or 2015.

If the initial exemption granted is shorter than the maximum time allowed by the primacy agency's URTH determination, a follow-up (as opposed to an initial) extension could be granted. Reporting this subsequent extension should be in the COMMENT field as illustrated in Example 3 below. One space should follow the contaminant code and then "Extended YYYYMMDD" should be added.

Additional narrative about the exemption may be added to this field after these two values.

II. Schedule for reporting exemptions

Exemptions granted in CY 2005 should be reported using the above approach by April 30th, 2006. Exemptions granted in CY 2006 should be reported during routine updates to SDWIS/FED.

III. Examples**Example 1: 3 Year Exemption**

PWS Size: > 3300 persons

Arsenic Concentration: 34 ppb

Issued by: State

Approval Date: November 4, 2005

Exemption Begin Date: January 23, 2006

Because the exemption was approved in CY 2005, the exemption begin date is listed as the compliance deadline. Any exemptions approved on or before January 22, 2006 should be entered as beginning on January 23, 2006.

Exemption End Date: January 22, 2009

XML for example 1.

```
sdwis:EnforcementDetails>  
  <sdwis:PWSIdentifier>TXR523000</sdwis:PWSIdentifier>  
  <sdwis:EnforcementIdentifier>A1098762</sdwis:EnforcementIdentifier>  
  <sdwis:EnforcementDate>2006-01-23</sdwis:EnforcementDate>  
  = <sdwis:EnforcementActionCode>  
    <sdwis:SDWAEnforcementActionCode>SOY</sdwis:SDWAEnforcementActionCode>  
    </sdwis:EnforcementActionCode>  
  <sdwis:EnforcementCommentText>20090122 1005  
    </sdwis:EnforcementCommentText>  
  </sdwis:EnforcementDetails>
```

**Example 2: 5 Year Exemption
(Initial 3 year exemption + initial 2 year extension)**

PWS Size: < 3300 persons
Arsenic Concentration: 26 ppb
Issued by: State
Approval Date: March 12, 2006
Exemption Begin Date: March 12, 2006
Exemption End Date: January 22, 2011

XML for example 2.

```
sdwis:EnforcementDetails>  
  <sdwis:PWSIdentifier>FLC523000</sdwis:PWSIdentifier>  
  <sdwis:EnforcementIdentifier>X9I12803</sdwis:EnforcementIdentifier>  
  <sdwis:EnforcementDate>2006-03-12</sdwis:EnforcementDate>  
  = <sdwis:EnforcementActionCode>  
    <sdwis:SDWAEnforcementActionCode>SOY</sdwis:SDWAEnforcementActionCode>  
    </sdwis:EnforcementActionCode>  
  <sdwis:EnforcementCommentText>20110122 1005  
    </sdwis:EnforcementCommentText>  
  </sdwis:EnforcementDetails>
```

Example 3: 3 Year Exemption + Subsequent 2 Year Extension

If the initial exemption granted is shorter than the maximum time allowed by the primacy agency's URTH determination, a follow-up (as opposed to an initial) extension should be reported in the COMMENT field as illustrated below. In this example, the exemption is issued by EPA.

PWS Size: < 3300 persons
Arsenic Concentration: 17 ppb
Issued by: EPA

Approval Date: December 15, 2005
Exemption Begin Date: January 23, 2006
Exemption End Date: January 22, 2009

XML for example 3.

```
sdwis:EnforcementDetails>  
  <sdwis:PWSIdentifier>MEC523000</sdwis:PWSIdentifier>  
  <sdwis:EnforcementIdentifier>ZZ398J2</sdwis:EnforcementIdentifier>  
  <sdwis:EnforcementDate>2006-01-23</sdwis:EnforcementDate>  
  - <sdwis:EnforcementActionCode>  
    <sdwis:SDWAEnforcementActionCode>EOY</sdwis:SDWAEnforcementActionCode>  
    </sdwis:EnforcementActionCode>  
  <sdwis:EnforcementCommentText>20090122 1005 Extended 20110122  
    </sdwis:EnforcementCommentText>  
  </sdwis:EnforcementDetails>
```

Example 4: 7 Year Exemption (Initial 3 year exemption + initial two 2 year extensions)

PWS Size: < 3300 persons
Arsenic Concentration: 22 ppb
Issued by: State
Approval Date: June 24, 2007
Exemption Begin Date: June 24, 2007
Exemption End Date: January 22, 2013

XML for example 4.

```
sdwis:EnforcementDetails>  
  <sdwis:PWSIdentifier>KST523000</sdwis:PWSIdentifier>  
  <sdwis:EnforcementIdentifier>20719DS</sdwis:EnforcementIdentifier>  
  <sdwis:EnforcementDate>2007-06-24</sdwis:EnforcementDate>  
  - <sdwis:EnforcementActionCode>  
    <sdwis:SDWAEnforcementActionCode>SOY</sdwis:SDWAEnforcementActionCode>  
    </sdwis:EnforcementActionCode>  
  <sdwis:EnforcementCommentText> 20130122 1005  
    </sdwis:EnforcementCommentText>  
  </sdwis:EnforcementDetails>
```

Example 5: 9 Year Exemption (Initial 3 year exemption + initial three 2 year extensions)

PWS Size: < 3300 persons
Arsenic Concentration: 17 ppb
Issued by: State
Approval Date: February 1, 2006
Exemption Begin Date: February 1, 2006
Exemption End Date: January 22, 2015

XML for example 5.

```
sdwis: EnforcementDetails>  
  <sdwis: PWSIdentifier>ASP23000</sdwis: PWSIdentifier>  
  <sdwis: EnforcementIdentifier>X1522</sdwis: EnforcementIdentifier>  
  <sdwis: EnforcementDate>2006-02-01</sdwis: EnforcementDate>  
- <sdwis: EnforcementActionCode>  
  <sdwis: SDWAEnforcementActionCode>SOY</sdwis: SDWAEnforcementActionCode>  
  </sdwis: EnforcementActionCode>  
  <sdwis: EnforcementCommentText>20150122 1005  
  </sdwis: EnforcementCommentText>  
</sdwis: EnforcementDetails>
```